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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,860

08/25/2003

Hiroshi Nomura

P23700

1496

7055

7590

09/17/2004

GREENBLUM & BERNSTEIN, P.L.C.
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RESTON, VA 20191

EXAMINER

SMITH, ARTHUR A

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/646,860	Applicant(s) NOMURA, HIROSHI	
	Examiner Arthur A Smith	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 and 12-15 is/are rejected.
- 7) Claim(s) 10 and 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 2/25/04;5/04/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al. (US 2003/0156832 A1), supplied by applicant.

In reference to claims 1, 7-9 and 12-15 are Nomura et al. discloses a lens barrel comprising: a housing having a ring portion, ref. 20, surrounding an optical axis; a first optical element, L2, and a second optical element, L3, which are positioned radially inside said ring portion and which are movable along said optical axis relative to said housing, see fig. 1; a support frame, ref. 22, which supports said second optical element, and has at least one radial arm portion, ref. 22a, which projects radially outwards to such an extent that an outer end of said radial arm portion is positioned radially outside said ring portion of said housing, see fig. 4; and at least one guide shaft

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positioned radially outside said ring portion, and configured to guide said radial arm portion in said optical axis direction, paragraph 63.

In reference to claim 2, Nomura et al. discloses wherein the lens barrel is a retractable lens barrel, ref. 2, wherein said support frame comprises a ring-shaped portion which holds said second optical element, said radial arm portion projecting radially outwards from a rear end of said ring-shaped portion, and wherein said first optical element is positioned radially outside said ring-shaped portion of said support frame, and between said ring-shaped portion of said support frame and said ring portion of said housing when said lens barrel is in a retracted state, see fig. 2.

In reference to claim 3, Nomura et al. discloses, wherein said radial arm portion comprises a pair of radial arm portions which project radially outwards to be positioned on substantially opposite sides of an optical axis of said second optical element, see fig. 4.

In reference to claims 4 and 5, Nomura et al. discloses at least one third optical element positioned behind said second optical element, F; and a rear-end cover fixed to a rear end of said ring portion of said housing and substantially covering said rear end of said ring portion, and further supporting said third optical element on a front side of said rear-end cover; wherein said housing includes at least one radial projection which projects radially outwards from said ring portion of said housing, and wherein said radial projection and said rear-end cover have front and rear shaft-supporting holes which oppose each other in said optical axis direction to support opposite ends of said at least one guide shaft, respectively, paragraph 55.

In reference to claim 6, Nomura et al. discloses wherein said first optical element and said second optical element comprise a front lens group and a rear lens group, respectively.

Allowable Subject Matter

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to make inherent or obvious the limitation of wherein said camera body comprises an LCD panel positioned behind said support frame in said optical axis direction, and wherein said guide shaft extends in said optical axis direction such that at least a portion of said guide shaft overlaps said LCD panel in a radial direction of said optical axis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith
September 15, 2004